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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AILES, BENJAMIN A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/844,821	Applicant(s) PARK, DOO SANG	
	Examiner Benjamin A. Ailes	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to correspondence received 14 November 2005.
2. Claims 1-22 remain pending.

Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montalbano (U.S. 5,838,775) in view of Takase et al. (U.S. 5,612,959), hereinafter referred to as Takase, and further in view of Schuster et al. (US 6,937,699 B1), hereinafter referred to as Schuster.

5. Regarding claims 1, 10, and 19, Montalbano discloses an information display apparatus, comprising:

a gateway system for converting protocols of an external network and a local network for information exchange between the external network and local network (col. 5, lines 42-50);

a plurality of terminals connected to the local network (col. 5, lines the client's terminal is available on the network, or in other words, in an on-hook status. However, Takase discloses a communication network environment comprising a method of transmitting information to a plurality of terminals in a network (see Takase, Figure 7), wherein the step of checking the status of a terminal is completed (Takase, col. 7, line

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57 – col. 8, line 12) before the data transmission step is performed. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to perform a status check on terminals, a step disclosed by Takase. One of ordinary skill in the art would have been motivated to combine this step with the communications network disclosed by Montalbano because the Takase and Montalbano are similar environments (data communications networks) wherein unnecessary transmissions of data is avoided, and the idea of avoiding an unnecessary data transmission is highly desirable for the reason that in this type of environment provides a system where network traffic is not unnecessarily increased, but on the other hand is effectively decreased, a feature that anyone of ordinary skill in the art would appreciate (see Takase, col. 7, line 57 – col. 8, line 12).

6. Regarding claims 2 and 11, in accordance with claims 1 and 10, respectively, Montalbano discloses the apparatus wherein the plurality of terminals are PC phones and Internet phones using Internet protocols for data communication (col. 2, line 66 – col. 3, line 14).

7. Regarding claims 3 and 12, in accordance with claims 1 and 10, respectively, Montalbano discloses the apparatus wherein each terminal includes a memory means for storing information transmitted from the information server, and a control means for controlling the storing of the transmitted information in the memory means of the terminal (col. 4, lines 23-32). In regards to displaying different types of information during an "on-hook" status and an "off-hook" status, Schuster discloses in column 12, lines 15-26 a method for displaying different types of information based on the

conditions. This includes either displaying information related to a connection with another party (status of phone call, names of callee, identifier of callee,...) or the display of information received from commercial servers (advertisement banners). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display different types of information and displaying information directly related to the condition of the client device at the time. For example, when the client device is connected to another remote client device, it would be logical to display information directly related to that specific connection. It is for this reason that one of ordinary skill in the art would take into consideration what condition the client device is in when determining what type of information should be displayed upon the client terminal display.

8. Regarding claims 4 and 13, in accordance with claims 3 and 12, respectively, Montalbano discloses the apparatus wherein the control means of the terminal judges a call status of the terminal itself (col. 4, lines 50-57).

9. Regarding claims 5 and 14, in accordance with claims 4 and 13, respectively, Montalbano discloses the apparatus wherein the possible call status of the terminal is one of an on-hook status or an off-hook status (col. 4, lines 50-57).

10. Regarding claims 6 and 15, in accordance with claims 3 and 10, respectively, Montalbano discloses the apparatus wherein the terminal includes a display means for displaying information stored in the memory means of the terminal (col. 3, lines 15-17 and col. 2, lines 11-19).

11. Regarding claims 7 and 16, in accordance with claims 1 and 10, respectively, Montalbano discloses the apparatus wherein the information server includes a memory means for storing information transmitted from the external network, and a control means for judging the respective call status of each of the plurality of terminals (col. 2, lines 15-19 and col. 4, lines 50-57).

12. Regarding claims 8 and 17, in accordance with claims 7 and 16, respectively, Montalbano discloses the apparatus wherein the control means of the information server transmits the information stored in the memory means thereof to each terminal in an on-hook status (col. 4, lines 8-13 and col. 4, lines 50-57).

13. Regarding claims 9 and 18, in accordance with claims 7 and 16, respectively, Montalbano discloses the apparatus wherein the control means of the information server updates contents of the memory means of the information server when new information is received thereby (col. 2, lines 11-19).

14. Regarding claim 20, in accordance with claim 19, Montalbano discloses the method wherein in the transmitting step the stored information is transmitted to the plurality of terminals based on judging a call status of only a pre-selected one of the plurality of terminals (col. 2, lines 33-40).

15. Regarding claim 21, in accordance with claim 19, Montalbano discloses the method wherein the controlling step comprises the sub-steps of:

storing the received information at each terminal (col. 2, lines 15-19);

judging the call status of each terminal storing the information (col. 4, lines 50-57); and

displaying the stored information on each terminal during an on-hook status thereof (col. 4, lines 8-13 and col. 4, lines 50-57).

16. Regarding claim 22, in accordance with claim 21, Montalbano discloses the method wherein the judging step further comprises: ceasing the display of the stored information on the terminal when the terminal assumes an off-hook status, and again displaying the stored information when the terminal next assumes an on-hook status (col. 4, lines 50-57). In regards to displaying different types of information during an "on-hook" status and an "off-hook" status, Schuster discloses in column 12, lines 15-26 a method for displaying different types of information based on the conditions. This includes either displaying information related to a connection with another party (status of phone call, names of callee, identifier of callee,...) or the display of information received from commercial servers (advertisement banners). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to display different types of information and displaying information directly related to the condition of the client device at the time. For example, when the client device is connected to another remote client device, it would be logical to display information directly related to that specific connection. It is for this reason that one of ordinary skill in the art would take into consideration what condition the client device is in when determining what type of information should be displayed upon the client terminal display.

Response to Arguments

17. Applicant's arguments filed 14 November 2005 have been fully considered but they are not persuasive.

18. (A) Applicant argues that the "Examiner fails to identify any element of the Montalbano invention that is asserted as the recited information server." The Examiner disagrees. In the rejection of claim 1, the Examiner had pointed out the use of a server and a database server. Taking broadest reasonable interpretation of applicant's claimed "information server", the Examiner interprets the "information server" as being any type of device on a network that provides information to other devices on the network. Montalbano clearly discloses in figure 1 the use of a plurality of different databases to provide information to networked client devices and these databases are deemed analogous to the applicants claimed "information server".

19. (B) Applicant argues "the "status check" disclosed by Takase would not have motivated one of ordinary skill in the art to modify the Montalbano invention to check the on-hook status of the terminal..." The Examiner disagrees and maintains that one of ordinary skill in the art would have been motivated to perform a "status check" to determine the availability of a client device. It is also noted that when a client device is in a "failure condition" the client device then becomes unavailable on the network, causing the client device to become off-hook. By ensuring the availability of a client device, one of ordinary skill in the art could prevent the submission of information to a non-existent client and save time by only sending information to available client devices.

20. Applicant's arguments with respect to claims 3, 12, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

Beatriz Prieto
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PRIMARY EXAMINER
1/24/06